

UNITED STATES FEDERAL DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JAMES and SHAYLEE MEDICRAFT,
husband and wife and the marital community
thereof, themselves and on behalf of their
minor children: JM, AM, EM, MM and NM,

Plaintiffs,

v.

THE STATE OF WASHINGTON; DEREK P.
LEUZZI and JANE DOE LEUZZI, husband
and wife and the marital community thereof;
ROSS HUNTER and JANE DOE HUNTER,
husband and wife and the marital community
thereof; TANESEA SANCHEZ and JOHN
DOE SANCHEZ, husband and wife and the
marital community thereof; TABITHA CULP
and JOHN DOE CULP, husband and wife and
the marital community thereof; ELIZABETH
STERBICK and JOHN DOE STERBICK,
husband and wife and the marital community
thereof; CLEVELAND KING, and JANE
DOE KING, husband and wife and the marital
community thereof; TABITHA POMEROY
and JOHN DOE POMEROY, husband and
wife and the marital community thereof;
PHOENIX PROTECTIVE CORP., a

CASE NO. 2:21-cv-01263-JCC-MLP
FIRST AMENDED COMPLAINT
FOR DAMAGES

JURY DEMANDED

Washington State corporation; SHEILA)
 1 LESLIE and JOHN DOE LESLIE, husband)
 and wife and marital community thereof;)
 2 JAGRUT SHAH and JANE DOE SHAH,)
 husband and wife and the marital community)
 3 thereof; LUFTI AL MARFADI and JANE)
 DOE MARFADI, husband and wife and)
 4 marital community thereof; COLVIN CIVISH)
 and JANE DOE CIVISH, husband and wife)
 5 and marital community thereof and JOHN)
 DOES 1 through 20, residents of Washington,)
 6)
 Defendants.)

7 I. INTRODUCTION

8 1. The “interest of parents in the care, custody, and control of their children—is perhaps the
 9 oldest of the fundamental liberty interests recognized by” the Supreme Court of the
 10 United States. *Troxel v. Granville*, 530 U.S. 57, 65, 120 S.Ct. 2054, 147 L.Ed.2d 49
 11 (2000). Children “have a substantive due process right to be free from unreasonable risk
 12 of harm, including a risk flowing from the lack of basic services, and a right to reasonable
 13 safety.” *Braam v. State of Washington*, 150 Wn. 2d 689, 699-700, 81 P.3d 851 (2003).
 14 Defendants, State of Washington and its agents, by perjury and other unlawful means,
 15 took the Plaintiff children from their parents, and while the children were in the State’s
 16 custody, the State subjected them to grievous psychological, physical, and sexual abuse.
 17 Although the Honorable Judge Amini reunited the family nearly a year into their ordeal,
 18 nothing can fully mend the harm done by the State and its agents. Plaintiffs come to this
 19 Court for such relief as the law can provide.

20 II. PARTIES AND JURISDICTION

21 2. Plaintiffs James and Shaylee Medcraft are a married couple now residing in South
 22 Carolina.
 23 3. Plaintiffs JM, AM, EM, MM, and NM are the minor children of James and Shaylee
 24 Medcraft, also residing in South Carolina (collectively the “children”).
 25

- 1 4. The State of Washington (the “State”) is a Defendant in this matter due to the actions of
2 its agency, the Department of Children, Youth and Families (the “Department”).
- 3 5. Defendant Derek P. Leuzzi is, upon information and belief, a married individual residing
4 and/or conducting business in King County, Washington, and an agent of the State of
5 Washington. Upon information and belief, the acts complained of herein were performed
6 on behalf of his marital community.
- 7 6. Defendant Ross Hunter is, upon information and belief, a married individual residing
8 and/or conducting business in King County, Washington, and an agent of the State of
9 Washington. Upon information and belief, the acts complained of herein were performed
10 on behalf of his marital community.
- 11 7. Defendant Tanessa Sanchez is, upon information and belief, a married individual residing
12 and/or conducting business in King County, Washington and an agent of the Department.
13 Upon information and belief, the acts complained of herein were performed on behalf of
14 her marital community.
- 15 8. Defendant Tabitha Culp is, upon information and belief, a married individual residing
16 and/or conducting business in King County, Washington and an agent of the Department.
17 Upon information and belief, the acts complained of herein were performed on behalf of
18 her marital community.
- 19 9. Defendant Elizabeth Sterbick is, upon information and belief, a married individual
20 residing and/or conducting business in King County, Washington and an agent of the
21 Department. Upon information and belief, the acts complained of herein were performed
22 on behalf of her marital community.
- 23 10. Defendant Cleveland King is, upon information and belief, a married individual residing
24 and/or conducting business in King County, Washington and an agent of the Department.
25 Upon information and belief, the acts complained of herein were performed on behalf of
his marital community.

11. Defendant Tabitha Pomeroy is, upon information and belief, a married individual residing and/or conducting business in King County, Washington and an agent of the Department. Upon information and belief, the acts complained of herein were performed on behalf of her marital community.
12. Defendant Phoenix Protective Corporation (“Phoenix”) is a Washington for profit corporation doing business in King County.
13. Defendant Sheila Leslie is an owner of Phoenix, and is, upon information and belief, a married individual residing and/or conducting business in King County, Washington and an agent of the Department. Upon information and belief, the acts complained of herein were performed on behalf of her marital community.
14. Defendant Jagrut Shah is an owner of Phoenix, and is, upon information and belief, a married individual residing and/or conducting business in King County, Washington and an agent of the Department. Upon information and belief, the acts complained of herein were performed on behalf of hi marital community.
15. Defendant Lufti Al Marfadi is or was an employee of Phoenix, and is, upon information and belief, a married individual residing and/or conducting business in King County, Washington and an agent of the Department. Upon information and belief, the acts complained of herein were performed on behalf of his marital community.
16. Defendant Colvin Civish is or was an employee of Phoenix, and is, upon information and belief, a married individual residing and/or conducting business in King County, Washington and an agent of the Department. Upon information and belief, the acts complained of herein were performed on behalf of his marital community.
17. Additional unnamed Defendants John Does are, on information and belief, agents of the State of Washington and/or Phoenix and residents of Washington, names currently unknown, whose most material misconduct is alleged below.

1 18. The State Court from which this action was removed, with the consent of the State of
2 Washington, had jurisdiction over this action under RCW 2.08.010.

3 19. This Court has jurisdiction over all claims against the State, and including later
4 amendment, when the State waived any 11th Amendment protections pursuant to their
5 consent to removal and further pursuant to *Lapides v. Bd. of Regents of Univ. Sys. of*
6 *Georgia*, 535 U.S. 613, 613, 122 S. Ct. 1640, 1640, 152 L. Ed. 2d 806 (2002); *see, also,*
7 *Embury v. King*, 361 F.3d 562 (9th Cir. 2004), as amended (May 17, 2004), amended,
8 No. 02-15030, 2004 WL 1088297 (9th Cir. May 17, 2004).

9 20. Venue is appropriate in the Western District where the acts and omissions complained of
10 occurred in the Western District.

11 III. FACTS

12 21. On or about December 6, 2019, the five children were taken from their parents by the
13 State, following a prior brief removal and reunion.

14 22. The children ranged in age from one to nine years old when removed.

15 23. DCYF knew Mrs. Medicraft was capable of caring for her children prior to the children
16 being taken December 6, 2010; Megan Meyer and Tanessa Sanchez, two DCYF social
17 workers assigned to work with the family during the time that Mrs. Medicraft had the
18 children in her care in shelter care status, both testified to the mother's ability to care for
19 the children on her own, including out in the community; Megan Meyer testified that she
20 supervised three visits between the father and children and that the father was
21 affectionate, encouraged the children to take turns, and she had no concerns about
22 violence or aggression during visits; Michelle Ruelas, a forensic social worker with over
23 40 years of experience in child welfare, concurring with Ms. Meyer's assessment. Exhibit
24 A, Order Dismissing Dependency, Fact Nos. 10-14 & 18-19.

25 24. The Department used false sworn statements under penalty of perjury in court
proceedings to justify taking and/or keeping the children from their home.

1 25. On cross-examination, Tanessa Sanchez admitted under oath that prior statement in her
2 sworn declaration (signed December 6, 2019), used to remove the children, were false.
3 Exhibit PP.

4 26. Ms. Sanchez' testimony on cross-examination proved that her prior declaration used to
5 remove the children, that she personally observed the father violated a purported no-
6 contact order from New York in November of 2019.

7 27. But Ms. Sanchez had never met or seen Mr. Medcraft in November 2019.

8 28. Even if Ms. Sanchez had observed this, there is no legal authority for the State to remove
9 children from their mother because their father violated a no-contact order from another
10 state.

11 29. On cross-examination, Ms. Sanchez' admitted her declaration further misled that Court,
12 omitting that multiple prior investigations of the Medcraft family were unfounded.
13 Exhibit PP.

14 30. Ms. Sanchez further stated, falsely, in a sworn declaration that she observed a decline in
15 Mrs. Medcraft's care of the children.

16 31. Casenotes and other evidence further prove that Ms. Sanchez' statements were false.; the
17 State even had Mrs. Medcraft care for the children in a motel room instead of at home,
18 despite their claims she was unfit to parent.

19 32. Defendant Sanchez also, falsely, testified that Mrs. Medcraft admitted to pulling her
20 children's hair.

21 33. On information and belief, these, and other, false sworn statements were intentionally
22 fabricated by Defendant Derek Leuzzi, a Washington State Assistant Attorney General,
23 and by Defendants Elizabeth Sterbick, Tabitha Culp, Tanessa Sanchez, and/or Cleveland
24 King, social workers employed by the Department.

25 34. Defendants Sanchez and Culp, testified under oath and in declarations that the Medcrafts
have a history of moving from state to state when CPS gets involved.

1 35. The Medicrafts do not have a history of moving from state to state when CPS gets
2 involved.

3 36. Even if they did have such a history, the removal of the Children would not be justified
4 under Washington law.

5 37. The State alleged that Mrs. Medicraft failed to comply with a shelter care order by
6 allowing the father to have access to the children outside of visitation.

7 38. The State was unable to support their contention and even if the State could, such a
8 violation would not, under Washington State law, justify the removal of the children.

9 39. The State alleged Mrs. Medicraft rejected DCYF intervention and refused access to the
10 children; Judge Amini found this to be false as well. Exhibit A.

11 40. Defendant Leuzzi further failed to follow the law, working to remove the children
12 without an imminent threat and without a court order.

13 41. Defendant Leuzzi further, without basis, misrepresented a history of domestic violence;
14 no such history exists.

15 42. Defendant Leuzzi further, without basis, sought to deprive Mr. Medicraft of visitation
16 rights.

17 43. Defendant Leuzzi, further, without basis, sought court orders to medicate the Children.

18 44. At the same time, the State failed to provide proper medical and psychiatric care for the
19 Children.

20 45. Elizabeth Strebick further lied in an email regarding Mr. Medicraft on December 18,
21 2019. Exhibit LL; video taken of the alleged incident directly contradicts her statements.
22 Exhibit MM.

23 46. The Defendants knew, or should have known, that the false sworn statements were
24 proffered by individuals unable to make such statements truthfully.

25 47. The State raised allegations related to the family in New York; but the State had no actual
evidence when it brought the dependency .

1 48. As Judge Amini well summed: “I also did not hear any testimony from New York. I mean
2 New York school, New York daycare, New York neighbors, Yew [sic] York anybody.”
3 Exhibit CC.

4 49. As Judge Amini also found, the State’s “investigation wasn’t done correctly or
5 thoroughly.” Exhibit CC.

6 50. Despite this improper and non-thorough investigation, and despite Ms. Meyer, Ms.
7 Sanchez, and Ms. Ruelas assessment, DCYF removed the children in December 2019 on
8 the premise that Mrs. Medcraft “would leave the state with the children;” Mrs.
9 Medcraft’s “history with DCYF, however showed that DCYF had previously removed
10 the children, albeit for a short time, and the mother had not left the state. The history of
11 the family shows that the Mother had remained in the state with her children and worked
12 with DCYF and the school.” Exhibit A, Fact No. 52.

13 51. There is no legal authority to remove children because DCYF fears they might move.

14 52. The Department, in violation of its own policy, and law, further separated the children
15 from one another.

16 53. Not until ten months after the children were wrongfully seized by the Department, were
17 they reunited with their parents, by the Honorable Susan H. Amini where, during a
18 dependency hearing, Hon. Amini orally ruled for the State to immediately return the
19 children to the Medcrafts. Hon. Amini’s written order dismissing the dependency was
20 later issued.

21 54. The State attempted to use Mrs. Medcraft’s childhood California child protective
22 services files, including information protected by HIPAA, against her and her family at
23 the dependency hearing.

24 55. While in the State’s custody, the three older children, and possible a fourth, were forced
25 by agents of the Department to spend nights in the Department’s office, hotels, and State
vehicles. Order Dismissing Dependency, Fact No. 24 & 57.

1 56. A typical day in the life at the Kent Office is recounted, under oath by Jason Bragg.
2 Exhibit RR.

3 57. Mr. Bragg observed the JM and AM forced to stand in the rain guarded by Phoenix
4 security, while Defendant Cleveland King ate his breakfast from the warm and dry office.
5 Exhibit RR.

6 58. Mr. Bragg observed JM and AM locked all day in the dirty visitation room with no
7 furniture. Exhibit RR.

8 59. As can be expected of a young child locked in a single room with no toys or educational
9 material, Mr. Bragg observed AM run across a busy street once able to escape. Exhibit
10 RR.

11 60. Contrary to the Department's entire theory of their case, Mr. Bragg also observed the
12 children's behavior change "like someone have turned it off with a switch" when their
13 mother was allowed visitation. Exhibit RR.

14 61. Agents of the Department forced the children to sleep in cars expressly as punishment.

15 62. Agents of the Department purposefully, and as punishment, would refuse the children
16 blankets during overnight stays in cars, and would roll down windows and adjust climate
17 control to make the children less comfortable.

18 63. Attached as Exhibit B is a Whistleblower Complaint describing a policy of punishing
19 children as described above and instituted by Defendant Tabitha Pomeroy.

20 64. Attached as Exhibit C is an internal Departmental memo describing one of the children's
21 car stays, during which he was deprived of a blanket and was told he must "be on [his]
22 best behavior to stay in hotel rooms."

23 65. The State also put the children in further danger by retrofitting their vehicles with seatbelt
24 locks, contrary to department policy.

25 66. Department casenotes further confirm the children were forced to spend the night in State
vehicles. Exhibit SS.

1 67. While in the State's custody, at least the three older children were forced to spend days
2 in a locked visitation room at the Department's Kent Office, stripped of all furniture and
3 toys. Order Dismissing Dependency, Fact No. 31.

4 68. Attached as Exhibits D–F are images of the visitation room described above.

5 69. Agents of the Department, names currently unknown, purposefully, and as punishment,
6 would take the children's clothing, including taking their shoes and jackets, before
7 forcing them to stand outside in the rain. Exhibit WW.

8 70. While in the State's custody, the three older children were physically assaulted by agents
9 of the Department, names currently unknown. Order Dismissing Dependency, Fact No.
10 33.

11 71. Other children have been subjected to the same treatment; Exhibit II is a picture taken by
12 Shaylee of another child on the floor in the Kent Office, this child was ignored when they
13 asked staff for food and water, which Ms. Medicraft then provided.

14 72. The Children were threatened with sleep deprivation. Exhibit VV.

15 73. In addition to the facts found by Judge Amini, the children were also beaten, held down,
16 thrown to the ground, handcuffed, and subjected to basket holds so severe that, on at least
17 one occasion, one of the children lost consciousness.

18 74. The three older children were physically assaulted by agents of Defendant Phoenix.

19 75. During one such episode of physical abuse, a social worker for the Department called the
20 Kent Police Department to report their own security, provided by Phoenix.

21 76. Despite complaints, the Department failed to investigate the assaults. The Department
22 failed to take necessary action to prevent assaults by its agents.

23 77. While in the State's custody, the three older Medicraft Children were physically assaulted
24 by other children.

25 78. At least some of these assaults took place in overcrowded hotel rooms and Department
offices.

1 79. Attached as Exhibit G is an image of one of the children's pillows, soaked in blood from
2 the night after one such assault.

3 80. Despite complaints, the Department failed to investigate these assaults either. The
4 Department failed to take necessary action to prevent assaults. The Department even
5 allowed assaultive Phoenix Security personnel to continue guarding the Children.

6 81. Attached as Exhibits H-U are photographs, redacted where appropriate to protect the
7 child's identity, which depict physical injuries sustained by the children while in the
8 State's custody.

9 82. Attached as Exhibit V-X are video of the children, blurred to protect their identities,
10 describing abuse at the hand of the Department.

11 83. While in the State's custody, at least one of the three older children was sexually
12 assaulted by an agent of the Department, name currently unknown.

13 84. Despite the child's complaint, the Department failed to investigate this assault either. The
14 Department failed to take necessary action to prevent assaults by its agents.

15 85. While in the State's custody, including in the presence of State agents who did not
16 intervene, at least one of the children was sexually assaulted by older children. Exhibit
17 WW.

18 86. The Department was on notice of the assaults of the children, including the sexual
19 assaults. Attached as Exhibits Y & Z are email strings from Plaintiff James Medcraft to
20 various Defendants.

21 87. On April 10, 2021 JM complained of inappropriate touching and painful restraints at the
22 "camp" he was sent to during the day. Exhibit TT.

23 88. Despite the child's complaint, the Department failed to investigate the assault. The
24 Department failed to take necessary action to prevent assaults.

25 89. On at least one occasion, when one of the children complained of abuse, and asked to
speak to a Judge, the child was placed in overnight solitary confinement as a punishment.

1 90. When the parents brought legitimate safety concerns to the attention of the Department,
2 they were threatened with the loss of visitation rights, which were ultimately, and
3 improperly, terminated by the Department.

4 91. The Department, on at least one occasion, attempted to coerce the children into perjuring
5 themselves through threats.

6 92. Exhibit X, above, further describes the Department coercing the children to run from
7 their parents in an attempt to disparage the parents.

8 93. Exhibit GG, a video, shows AM telling his father that he was threatened by the
9 Department if he did not pretend to “be mean” to his father.

10 94. Exhibit HH, a video, shows JM telling his father DCYF told him to lie and state that his
11 father was abusive.

12 95. At least one of the children was injured in a car accident while an agent of the Department
13 was operating the motor vehicle the child was riding in.

14 96. The Department failed to perform proper evaluation of the children before or while
15 having them in custody. Order Dismissing Dependency, Fact No. 38.

16 97. The Department caused or allowed “the children [to be] placed in difficult experiences
17 directly prior to the evaluations,” and misinformed or failed to inform the evaluator of
18 these and other material facts about the children to defeat dismissal of the dependency.
19 Order Dismissing Dependency, Facts No. 30–34.

20 98. Judge Amini further stated at her oral ruling, regarding the Department’s conduct in
21 setting up the Children’s evaluation: “why did you set it up this way? ... Would you do
22 this for yourself? For your child? For your nephew? Niece? ... does that makes sense?
23 Honestly it does not.” Exhibit CC.

24 99. While in the Department’s custody, at least the three older children were, without
25 prescription, and without the attendance of any licensed medical professional, and

1 without parental advice, routinely medicated by agents of the Department, names
2 currently unknown.

3 100. Exhibit Y is a photograph of James Medicraft holding a handful of what appears to be
4 Benadryl, found in one of the children's possession while in the Department's custody.

5 101. On information and belief, the Department gave the children medication for off-label
6 purposes, including, to reduce hunger and cause drowsiness, to make the children easier
7 to control, and to administer psychotropic medications without parental consent.

8 102. The Department's off-label, unprescribed use of medication on the children was
9 intentionally harmful, reckless, or at least grossly negligent.

10 103. On many occasions, the Department failed to give some or all of the children enough to eat
11 while they were in the Department's custody.

12 104. On several occasions, agents of the Department, names currently unknown, deprived
13 some of the children of food as punishment.

14 105. The three older children were deprived of the use of the bathroom throughout the day
15 while being held in Department offices.

16 106. The Department lost physical custody the three older children on repeated occasions.

17 107. The children were denied regular education while in the Department's custody,
18 including support services under the three older children's Individualized Education
19 Plans.

20 108. The children were denied healthcare on certain occasions when they suffered injuries
21 or illnesses while in the Department's custody.

22 109. The children were denied appropriate psychiatric care while in the Department's
23 custody.

24 110. Both AM and EM were deprived of their prescribed inhalers while in the Department's
25 custody.

1 111. MM, while in the Department's custody was denied follow-up visits to Seattle
2 Children's Hospital, despite the Department's knowledge of a serious heart condition.

3 112. When the Medcraft parents inquired about MM's follow-up, the Department lied and
4 claimed it occurred when it did not.

5 113. The Department was aware that the three older children required eyeglasses but lost
6 and/or took their eyeglasses from them and failed to provide them with routine and
7 necessary optometrist visits.

8 114. The children further suffered neglect of their dental health after being taken from their
9 parents, including the loss of JM's orthodontic spacer.

10 115. Agents of the Department, names currently unknown, expressly threatened the three
11 older children with institutionalization out-of-state, including at institutions which other
12 states, and Disability Rights Washington, have deemed unfit to receive foster children.

13 116. Agents of the Department, names currently unknown, expressly threatened the four
14 older children with arrest, and called the police to further the threat.

15 117. Contrary to their own policy and in violation of RCW 13.34.025, the Department
16 improperly withheld or threatened to withhold the Medcraft parents' visitation rights to
17 coerce their and their children's cooperation or silence.

18 118. Contrary to their own policy and in violation of RCW 13.34.025 and *Braam v.*
19 *Washington*, the Department improperly withheld or threatened to withhold the
20 children's right to visit one another to coerce cooperation or silence from them. Exhibit
21 UU.

22 119. Ms. Culp "to acknowledge[d] on cross-examination that the father's visits were
23 summarily suspended by the Department without a court order on January 24, 2020."
24 Exhibit A, Finding of Fact No. 31.

25 120. James Medcraft, acting *pro se*, filed a complaint in the Federal District Court in and
for the Western District of Washington.

1 121. A true and correct copy of that pleading, as redacted by Court Order, is attached as
2 Exhibit BB, and the facts alleged therein are incorporated as if fully set forth herein.

3 122. Despite Judge Amini's oral ruling to reunite the family, the Department refused, and
4 an emergency telephonic hearing had to be held to enforce the Court's oral ruling, which
5 is further supported by Hon. Amini's written orders.

6 123. Once reunited, Mr. and Mrs. Medcraft took their children to South Carolina. Since
7 their move, someone calling from a Washington State area code phone number has
8 repeatedly contacted South Carolina's Child Protective Services agency to falsely report
9 abuse of the children and the Medcraft's younger child.

10 124. South Carolina's Child Protective Services agency has investigated the Medcrafts and
11 found no basis for these complaints.

12 125. On information and belief, one or more agents of the Department, names currently
13 unknown, are responsible for these false reports to South Carolina, to harass Plaintiffs.

14 126. False reporting from Washington State area codes has continued even during the
15 pendency of this lawsuit.

16 127. As recently as September 21, 2021 state agents have attempted to access the children's
17 email accounts. Exhibit JJ is a copy of a Google alert received by Mr. Medcraft of
18 yvettemeredithcubero@gmail.com; Ms. Cubero works for DCFY.

19 128. The children have developed serious behavioral issues and other signs of trauma since,
20 and as a result of, their improper removal from their parents and the abuse they suffered
21 while in the Department's custody and at the Department's hands.

22 129. "[T]he timeline of the behaviors shows that the behaviors *began* and worsened as
23 Department intervention increases.... At different times in January and February of 2019
24 [sic] [the three older] children were hospitalized at Seattle Children's Hospital. Prior to
25 their removal, none of the children had required this type of intervention." Order
Dismissing Dependency, Fact No. 48.

1 130. On December 26, 2019, Elizabeth Sterbick physically accosted Mrs. Medicraft, which
2 was reported to the Kent Police Department, Case No. 19-18684.

3 131. The Department routinely called the police department to intimidate the children,
4 including a six-year-old girl.

5 132. Plaintiffs have incurred, and will continue to incur, costs and expenses for medical care
6 and therapy to try to undo the harm done to them by Defendants.

7 133. In all their acts alleged above, Phoenix agents acted within the scope of their agency
8 and Phoenix is fully liable for their acts.

9 134. Defendants knew or should have known that their misconduct would violate Plaintiffs'
10 clearly established rights.

11 135. In addition to knowing that there are violating clearly established rights, DCFY has
12 routinely lied to the public.

13 136. Despite handcuffing, vehicles with seatbelt locks, and security holds being put on the
14 Medicraft children, at a July 15, 2020, DCYF oversight committee hearing, Defendant
15 Ross Hunter told members of the Washington State legislature that children are never
16 restrained.

17 137. Defendant Hunter acknowledged that DCYF cannot legally use the same restraints as
18 juvenile rehabilitation and that DCYF does not; that was a lie.

19 138. Defendant Hunter also represented those children are not placed out of state; but the
20 Medicrafts were threatened with the same.

21 139. Defendant Hunter also claimed that most night-to-night placements are children
22 refusing placements; this is false.

23 140. Defendant Hunter also claimed that the only children forced to sleep in cars and hotels
24 were teen-aged and that it was incredibly rare; this is also false.
25

IV. FIRST CAUSE OF ACTION – Deprivation of James Medcraft’s Rights
under 42 U.S.C. § 1983

141. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

142. James Medcraft, as the father of the children, has a fundamental liberty interest in the care, custody, and management of his children.

143. James Medcraft’s liberty interest was violated when the State improperly removed his children.

144. James Medcraft’s liberty interest was violated when the State abused and/or allowed for the abuse of his children.

145. James Medcraft’s liberty interest was violated when the State provided false testimony in the matter of his children’s dependency.

146. James Medcraft’s liberty interest was violated when the State arranged for negative evaluations.

147. James Medcraft’s liberty interest was violated when the State improperly denied him visitation with his children.

148. James Medcraft has been damaged in an amount to be proven at trial.

V. SECOND CAUSE OF ACTION – Deprivation of Shaylee Medcraft’s Rights
under 42 U.S.C. § 1983

149. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

150. Shaylee Medcraft, as the mother of the children, has a fundamental liberty interest in the care, custody, and management of her children.

151. Shaylee Medcraft’s liberty interest was violated when the State improperly removed her children.

152. Shaylee Medcraft’s liberty interest was violated when the State abused and/or allowed for the abuse of her children.

1 153. Shaylee Mediacraft's liberty interest was violated when the State arranged for negative
2 evaluations.

3 154. Shaylee Mediacraft's liberty interest was violated when the State provided false
4 testimony in the matter of her children's dependency.

5 155. Shaylee Mediacraft's liberty interest was violated when the State improperly denied her
6 visitation with her children.

7 156. Shaylee Mediacraft's liberty interest was violated when the State attempted to use her
8 prior, and irrelevant, medical records against her.

9 157. Shaylee Mediacraft has been damaged in an amount to be proven at trial.

10 **VI. THIRD CAUSE OF ACTION – Deprivation of JM's Rights**

11 **under 42 U.S.C. § 1983**

12 158. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

13 159. JM has a fundamental liberty interest in living with his parents and not being abused
14 by agents of the State.

15 160. JM's fundamental liberty interest was infringed by his improper removal by the State
16 from his parents.

17 161. JM's fundamental liberty interest was infringed upon through the abuse he suffered in
18 State custody.

19 162. JM's fundamental liberty interest was violated when the State acted in a way that would
20 essentially guarantee negative evaluations.

21 163. JM has been damaged in an amount to be proven at trial.

22 **VII. FOURTH CAUSE OF ACTION – Deprivation of AM's Rights**

23 **under 42 U.S.C. § 1983**

24 164. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

25 165. AM has a fundamental liberty interest in living with his parents and not being abused
by agents of the State.

1 166. AM's fundamental liberty interest was infringed by his improper removal by the State
2 from his parents.

3 167. AM's fundamental liberty interest was infringed upon through the abuse he suffered in
4 State custody.

5 168. AM's fundamental liberty interest was violated when the State acted in a way that
6 would essentially guarantee negative evaluations.

7 169. AM has been damaged in an amount to be proven at trial.

8 **VIII. FIFTH CAUSE OF ACTION – Deprivation of EM's Rights**
9 **under 42 U.S.C. § 1983**

10 170. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

11 171. EM has a fundamental liberty interest in living with his parents and not being abused
12 by agents of the State.

13 172. EM's fundamental liberty interest was infringed by his improper removal by the State
14 from his parents.

15 173. EM's fundamental liberty interest was infringed upon through the abuse he suffered in
16 State custody.

17 174. EM's fundamental liberty interest was violated when the State acted in a way that
18 would essentially guarantee negative evaluations.

19 175. EM has been damaged in an amount to be proven at trial.

20 **IX. SIXTH CAUSE OF ACTION – Deprivation of MM's Rights**
21 **under 42 U.S.C. § 1983**

22 176. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

23 177. MM has a fundamental liberty interest in living with her parents and not being abused
24 by agents of the State.

25 178. MM's fundamental liberty interest was infringed upon through the abuse she suffered
in State custody.

179. MM’s fundamental liberty interest was infringed by her improper removal by the State from his parents.

180. MM has been damaged in an amount to be proven at trial.

**X. SIXTH CAUSE OF ACTION – Deprivation of NM’s Rights
under 42 U.S.C. § 1983**

181. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

182. NM has a fundamental liberty interest in living with his parents and not being abused by agents of the State.

183. NM’s fundamental liberty interest was infringed by his improper removal by the State from his parents.

184. NM has been damaged in an amount to be proven at trial.

XI. SEVENTH CAUSE OF ACTION – Assault and Battery of JM

185. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

186. While in the State’s custody, JM was subjected to harmful bodily contact.

187. While in the State’s custody, JM was placed in imminent fear of bodily harm.

188. These episodes include, without limitation, as testified to by Ms. Culp on behalf of the State: “[JM] was assaulted by a [Phoenix] security guard, that on another occasion a [Phoenix] security guard threatened to hit [JM] with a belt. Exhibit A, Fact No. 24.

189. Ms. Culp further testified that: “[JM] reported sexual abuse by one of the overnight social workers in March/April 2020.” *Id.*

190. On January 22, 2020 JM was assaulted by Phoenix security guards Defendants Marfadi and Civish who push JM to the ground multiple times, pinned him to the ground, and “threw [JM] bodily into the back of the car.” Exhibit FF.

191. Social workers were disturbed enough by this episode that they reported Defendant Marfadi to law enforcement (Kent Police Officer Madriana took down incident report No. TP000004864). Exhibit FF.

192. Despite Defendant Marfadi's criminal behavior, the Department continued to assign him to guard the children and on he pinned JM to a bed with his hand on the child's neck.

193. On March 15, 2020 JM was also restrained by Social Worker Hingergartd on an air mattress in a hotel room.

194. Exhibit KK was taken after another time JM was physically abused by state agents.

195. JM has been damaged in an amount to be determined at trial.

XII. EIGHTH CAUSE OF ACTION – Assault and Battery of AM

196. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

197. While in the State's custody, AM was subjected to harmful bodily contact.

198. While in the State's custody, AM was placed in imminent fear of bodily harm.

199. These episodes include, without limitation, as testified to by Ms. Culp, AM was assaulted by a Phoenix Security guard the day before his evaluation. Exh. A, Finding No. ¶ 39.

200. As evidenced by the Department's own casenotes, AM was further both assaulted and battered on January 3, 2019 when he was dragged by his shirt from the DCFY Kent Office, knocked to the ground, pinned against a car, and told he would be smacked upside the head if he didn't shut up. Exhibit DD.

201. Marks and bruising were additionally observed on the children, and DCYF put on notice on December 20, 2019. Exhibit EE.

202. On or about May 23, 2020 AM was handcuffed around the ankles by a Phoenix security guard; case notes claim that the Phoenix security "gave" the handcuffs to AM (itself grossly negligent), but AM and JM deny that and stated that AM was forcibly handcuffed around the ankle. Exhibit NN.

203. Jennifer Watts previously testified to AM being placed in a "security hold" screaming by a security guard. Exhibit OO.

204. AM has been damaged in an amount to be determined at trial.

XIII. NINTH CAUSE OF ACTION – Assault and Battery of EM

205. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

206. While in the State’s custody, EM was subjected to harmful bodily contact.

207. While in the State’s custody, EM was placed in imminent fear of bodily harm.

208. Such episodes include, without limitation, as testified by Ms. Culp: “[EM] was slapped across the face by a social worker.” Exhibit A, Fact No. 24.

209. EM has been damaged in an amount to be determined at trial.

XIV. TENTH CAUSE OF ACTION – Assault and Battery of Shaylee Medcraft

210. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

211. Elizabeth Sterbick subjected Shaylee Medcraft to harmful bodily contact.

212. Elizabeth Sterbick placed Shaylee Medcraft in imminent fear of bodily harm.

213. Shaylee Medcraft has been damaged in an amount to be determined at trial.

XV. ELEVENTH CAUSE OF ACTION – Negligence

214. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

215. The State had a duty to care for and to prevent physical and emotional harm to the children while they were in its custody, and a duty to the children and their parents to conduct evaluations in good faith, competently, and with due care, a duty to investigate complaints, and a duty to supervise its agents.

216. The State breached its duties to Plaintiffs.

217. Plaintiffs were physically and emotionally harmed by the State’s breach of its duties to them.

218. Mr. Shah and Mrs. Leslie have been negligent in their hiring of those Phoenix security guards who physically abused and/or threatened the Children.

219. AM was additionally injured in a car accident in a DCYF vehicle in early December 2019. Exhibit EE.

220. Plaintiffs have been damaged in an amount to be determined at trial by the negligence of the State, Phoenix, and each's principals and agents.

**XVI. TWELFTH CAUSE OF ACTION – Negligent and/or
Intentional Infliction of Emotional Distress**

221. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

222. Defendants engaged in extreme and outrageous conduct toward Plaintiffs.

223. The complained of conduct was intentional and/or reckless.

224. The complained of conduct actually resulted in severe emotional distress to Plaintiffs.

225. Plaintiffs have been damaged in an amount to be determined at trial.

XVII. THIRTEENTH CAUSE OF ACTION – Civil Conspiracy

226. Plaintiffs re-allege all allegations of this Complaint as if fully set forth herein.

227. The Defendants combined to accomplish both unlawful purposes and/or lawful purposes by unlawful means.

228. The Defendants entered into an agreement to violate the rights of the Plaintiffs.

229. Plaintiffs have been damages by this civil conspiracy.

PRAYER FOR RELIEF

NOW, THEREFORE, Plaintiffs, pray for the following:

1. Judgment against Defendants on all claims;
2. Damages in an amount to be proven at trial;
3. Punitive damages as allowed by statute, where the Defendants' conduct was reckless and/or callously indifferent;
4. Reasonable attorney's fees and costs as authorized by statute; and
5. Such other and further relief as the Court deems just and equitable.

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DATED this 12th day of October 2021.

ARNOLD & JACOBOWITZ PLLC

/s/ Nathan J. Arnold

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